

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i>	18-cv-12337 (GBD)(SN) ECF Case

**MOTION FOR ENTRY OF PARTIAL FINAL DEFAULT JUDGMENT AGAINST  
THE ISLAMIC REPUBLIC OF IRAN AS TO LIABILITY AND DAMAGES**

PLEASE TAKE NOTICE that upon the accompanying declaration of Robert Keith Morgan with exhibits, and the accompanying memorandum of law, and in accordance with this Court’s November 14, 2023 Order setting forth such information as is required by the Court to adjudicate this motion (See ECF No. 9425), the Plaintiffs identified in Exhibit A to the declaration of Robert Keith Morgan, who are Beatrice Gaston, Frances Gaston, Maria Gaston, and Ariel Martinez (collectively “Plaintiffs” or “*Gaston* Plaintiffs”), respectfully move this Court for an Order of judgment by default against the Defendant, Islamic Republic of Iran (“Iran”), under 28 U.S.C. § 1605A(c).<sup>1</sup> Plaintiffs herein are seeking solatium damages in accordance with this Court’s prior orders and based on those awarded in prior judgments entered by this Court in this litigation, specifically, *Havish v. bin Laden* (ECF No. 2618), and *Hoglan v. The Islamic Republic of Iran* (ECF No. 3363). Plaintiffs also seek pre-judgment interest at rate of 4.96 percent per annum, compounded annually from the period from September 11, 2001, until the date of the judgment.

Beatrice Gaston, Francis Gaston, and Maria Gaston, who are the sisters of Betsy Martinez, who was killed in the attacks on the World Trade Center on September 11, 2001, move for entry

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<sup>1</sup> Plaintiffs have previously filed a motion for partial final default judgment (ECF No. 8830) and an amended motion for partial final default judgment (ECF No. 9199) in this matter which included the moving plaintiffs herein. Both motions were denied (ECF Nos. 9205, 9349) as no Clerk’s Certificate of Default had been issued and both were terminated at the Court’s request. The Clerk’s Certificate of Default in this case was issued on November 13, 2023 (18-cv-12337 ECF 92). All ECF Nos. refer to the main MDL docket, 03-md-01570, unless otherwise indicated.

of a judgment for solatium damages in the amount \$ 4,250,000 for each of them and Ariel Martinez, who is the daughter of Betsy Martinez, moves for an entry of judgment for solatium damages in the amount of \$ 8,500,000.

Further, Plaintiffs move for permission to seek punitive damages in the future and for all other *Gaston* Plaintiffs not appearing on Exhibit A, to submit applications for damage awards in later stages of the litigation, to the extent such awards have not been previously addressed by the Court.

Dated: July 30, 2024

Respectfully submitted,

/s/ Robert Keith Morgan

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